

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

<hr/>)	MDL No. 1456
IN RE PHARMACEUTICAL INDUSTRY)	Master File No. 01-12257-PBS
AVERAGE WHOLESALE PRICE LITIGATION)	
<hr/>)	Judge Patti B. Saris
)	
THIS DOCUMENT RELATES TO:)	
State of California, <i>ex rel.</i> Ven-A-Care v.)	
Abbott Laboratories, Inc., <i>et al.</i>)	
CASE No: 1:03-cv-11226-PBS)	
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STATUS REPORT-MAY 1, 2008

The undersigned counsel, on behalf of plaintiff STATE OF CALIFORNIA
("CALIFORNIA") hereby submits the attached Status Report to the Court in accordance with the
Court's June 17, 2004 Procedural Order.

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General for the State of California

Dated: May 1, 2008

By: /s/ Nicholas N. Paul
NICHOLAS N. PAUL
CA State Bar No: 190605
Supervising Deputy Attorney General
Bureau of Medi-Cal Fraud and Elder Abuse
Office of The Attorney General
1455 Frazee Road, Suite 315
San Diego, California 92108
Tel: (619) 688-6099
Fax: (619) 688-4200

**Attorneys for Plaintiff,
STATE OF CALIFORNIA**

MDL 1456 Status Report
State of California, *ex rel.* Ven-A-Care v. Abbott Laboratories Inc., *et al.*
Case No.: 1:03-cv-11226-PBS

First Amended Complaint in Intervention

Plaintiffs filed a First Amended Complaint in Intervention (FAC), with redacted exhibits, on August 25, 2005 (No. 1679). Plaintiffs also filed a motion for leave to file unredacted Exhibits under seal (Exhibits A-K and Exhibits M-R to the FAC) (Nos. 1680, 1703), which the Court granted via electronic order.

Motions to Dismiss

On January 17, 2006, Defendants filed a Joint Motion to Dismiss Plaintiffs' First Amended Complaint in Intervention (Nos. 2047, 2051).

On March 22, 2007, the Court denied in part and granted in part Defendants' joint motion to dismiss, and denied Abbott's individual motion to dismiss (No. 3948). Two individual motions to dismiss (defendants ZLB Behring and the two Boehringer entities) have not been adjudicated.

Case Management Order (CMO)

The Court entered Case Management Order 31 on August 1, 2007 (No. 4586).

Alternative Dispute Resolution

Plaintiffs and Defendants completed their first formal mediation session on February 12, 2008 and February 13, 2008, and work continues toward a possible resolution through the mediator's auspices. The Third Joint Mediation Status Report was filed on April 29, 2008, and the next status report is scheduled to be filed on June 23, 2008 unless otherwise directed by this Court.

CERTIFICATE OF SERVICE

I, Nicholas N. Paul, hereby certify that on May 1, 2008, I caused a true and correct copy of the foregoing, **STATUS REPORT-May 1, 2008**, to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Nicholas N. Paul
NICHOLAS N. PAUL
Supervising Deputy Attorney General